

AMENDED IN ASSEMBLY MARCH 13, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2128**

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**Introduced by Assembly Member Emmerson**

February 20, 2008

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An act to add Section 1265.4 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2128, as amended, Emmerson. Health facilities: dietitians.

Under existing law, the State Department of Public Health licenses and regulates health care facilities. *Violations of the provisions constitutes a misdemeanor.*

This bill would require that specified health facilities who employ a registered dietitian less than full time also employ a full-time dietetic services supervisor. The dietetic services supervisor would be required to consult with and be supervised by the dietitian and meet educational requirements, as specified. This bill would *temporarily* exempt from the education requirements any individual who has been working full time as a dietetic services supervisor in a health facility for 5 years or more when the bill becomes operative *and allow them to continue to function as a dietetic services supervisor for 15 months as long as they are enrolled in a specified education program. The exemption could be extended an additional 9 months if the individual can demonstrate to the department that the education program could not be completed with in the original 15-month period.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1265.4 is added to the Health and Safety  
2 Code, to read:

3 1265.4. (a) Any licensed health facility, as defined in  
4 subdivision (a), (b), (c), (d), (f), or (k) of Section 1250, that  
5 employs a registered dietitian less than full time, shall also employ  
6 a full-time dietetic services supervisor who meets the requirements  
7 of subdivision (b) to supervise food service operations. The dietetic  
8 services supervisor ~~shall be supervised by, and have access to~~  
9 ~~frequent consultations with, the registered dietitian, as required by~~  
10 ~~federal law; receive supervision from the registered dietitian. The~~  
11 ~~registered dietitian shall be available to the dietetic services~~  
12 ~~supervisor for consultation and assistance.~~

13 (b) The dietetic services supervisor shall have completed at least  
14 one of the following educational requirements:

15 ~~(1) Educational requirements necessary for a registered dietitian.~~

16 ~~(2)~~

17 (1) A baccalaureate degree with major studies in food and  
18 nutrition, dietetics, or food management and has one year in the  
19 dietetic service of a licensed health facility.

20 ~~(3)~~

21 (2) A graduate of a dietetic technician training program approved  
22 by the American Dietetic Association.

23 ~~—(4) A graduate of a dietary services manager training program~~  
24 ~~provided by a college, university, or a vocational or adult education~~  
25 ~~program and approved by the Dietary Managers Association.~~  
26 ~~Association or currently registered by the Commission on Dietetic~~  
27 ~~Registration.~~

28 (3) A graduate of a dietetic assistant training program approved  
29 by the American Dietetic Association.

30 (4) Is a certified dietary manager credentialed by the Certifying  
31 Board of the Dietary Managers Association, maintains this  
32 certification, and has received at least six hours of in-service  
33 training on the specific California dietary service requirements

1 *contained in Title 22 of the California Code of Regulations prior*  
2 *to assuming full-time duties as a dietetic services supervisor at the*  
3 *health facility.*

4 (5) A graduate of a state approved program ~~provided by a~~  
5 ~~college, university, or a vocational or adult education program that~~  
6 ~~provides 90 or more hours of classroom instruction in food service~~  
7 ~~supervision, instructor led interactive Web based instruction, or~~  
8 ~~a combination thereof, in dietetic service supervision.~~

9 (6) Received training experience in food service supervision  
10 and management in the military equivalent in content to paragraph  
11 (3), ~~(4)~~ (2), (3), or (5).

12 (c) ~~Any~~ *The State Department of Public Health may grant a*  
13 *program flexibility request to any individual who has at least five*  
14 *years experience prior to January 1, 2009, as a dietetic services*  
15 *supervisor in a health facility specified in subdivision (a) shall be*  
16 *deemed to have met the educational requirements required by*  
17 *subdivision (b).*

18 ~~—(d) Vocational education programs may be approved by either~~  
19 ~~the State Department of Public Health or the State Department of~~  
20 ~~Consumer Affairs, Bureau for Private Postsecondary and~~  
21 ~~Vocational Education. to allow that individual to function as a~~  
22 ~~dietetic services supervisor for a period not to exceed 15 months,~~  
23 ~~as long as the individual is enrolled in a program that meets the~~  
24 ~~requirements listed in subdivision (b). The department may extend~~  
25 ~~the program flexibility request for a period not to exceed nine~~  
26 ~~months if the individual can demonstrate to the department that~~  
27 ~~the coursework could not otherwise be completed within the~~  
28 ~~original 15-month period.~~

29 SEC. 2. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the penalty  
34 for a crime or infraction, within the meaning of Section 17556 of  
35 the Government Code, or changes the definition of a crime within  
36 the meaning of Section 6 of Article XIII B of the California  
37 Constitution.